

REMARKS

Claims 1, 2, 4-15 and 17-20 are presently pending. Claims 1, 10 and 18 are independent claims. Claims 1, 2, 4-15 and 17-20 stand rejected. Reconsideration in view of the following arguments is kindly requested.

Claim Rejections

Claims 1, 2, 4-15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller (U.S. 6,844,893) in view of Ragsdale-Elliott (U.S. 2002/0147647). This rejection is respectfully traversed.

Page 2 of the Office Action dated February 4, 2009, alleged that Miller discloses “logging a customer unit into a restaurant pre-dining system with a mobile phone of the customer unit; responsive to logging the customer unit into the restaurant pre-dining system, placing the customer unit on a waiting list for a table; paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit; sending an interactive restaurant menu to the mobile phone; receiving at least one customer request of at least one service of the restaurant from the mobile phone”, as recited in claim 1 and similarly recited in claim 10. After careful review of the teachings of Miller, Applicant submits that Miller fails to disclose any of the above-noted claim recitations of claim 1.

Miller is directed to an interactive teleconferencing communication network setup in certain restaurant locations. Column 3, lines 10-35 of Miller clearly discloses the 10 uses intended for customers of the restaurant teleconferencing network. The ten uses include: 1) web browsing, 2) pay-per-view (movies), 3) video gaming, 4) privacy enclosures, 5) video taping, 6) various location sites, 7) interactive communication (teleconferencing), 8) telephone, 9) document sharing and 10) picture-in-picture capabilities. None of these services share any relationship with a customer's use of a mobile phone to enter a dining system, receive a place on a waiting list for a table, receiving a notification when a table is ready, and sending an interactive menu to the user's mobile phone.

The Examiner alleged that Miller discloses “logging a customer unit into a restaurant pre-

dining system with a mobile phone of the customer unit”, as recited in claim 1 and relied on column 8, line 53 through column 9, line 8 of Miller for support. Applicant disagrees and submits that Miller fails to disclose any type of logging in procedure for logging into a restaurant pre-dining system via a mobile phone. Referring to column 8, line 53 of Miller, a member of the public may enter a restaurant and sit down at a table that provides a computer interface that allows videoconferencing (see column 8, line 55 of Miller), and new software testing (see column 8, line 56 of Miller). Column 9, lines 1-8 of Miller merely discloses that the user may sit down and enjoy dining while videoconferencing in a restaurant environment.

Miller’s disclosure does not provide any support for a cellular or mobile phone. FIG. 2 of Miller illustrates people sitting down at a restaurant table, and viewing a large monitor display 31. All of the features offered by the interactive networking environment of Miller are provided through the display 31. No customer initiates a logging in procedure via his or her mobile phone as explicitly recited in claim 1. According to Miller, a user walks into a restaurant and begins his session with the communication network once seated at a table and without any interaction with a mobile phone.

The Examiner alleged that Miller discloses “responsive to logging the customer unit into the restaurant pre-dining system, placing the customer unit on a waiting list for a table”, as recited in claim 1 and relied on column 3, lines 6-36 of Miller for support. Applicant disagrees and submits that Miller fails to disclose any logging in of the user prior to sitting down at a table or placing the customer on a waiting list for a table, or, performing any of these operations via access through the user’s mobile phone. As noted above, column 3, lines 6-36 of Miller discloses ten uses of the restaurant site stations, including, 1) web browsing, 2) pay-per-view (movies), 3) video gaming, 4) privacy enclosures, 5) video taping, 6) various location sites, 7) interactive communication (teleconferencing), 8) telephone, 9) document sharing and 10) picture-in-picture capabilities. None of these capabilities disclosed in Miller involves communicating to the user’s mobile phone or logging in the user prior to seating the user or placing the customer on a waiting list for a table via his or her mobile phone.

The Examiner alleged that Miller discloses “paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit”, as recited in claim 1 and relied on column 6, lines 7-28 of Miller for support. Applicant disagrees and submits that Miller fails to disclose any access option that includes a mobile phone of the user and any notification operation that notifies a user via his or her mobile phone, or, notifying the user via his or her mobile phone when a table is ready. Referring to column 6 of Miller, a personnel member of the restaurant may use handheld computers that manage control functions related to the services provided to the restaurant guests. No service is provided to the customers via their own personal mobile devices (mobile phones). Also, the phone booth is a different setup for customers to sit down and call someone over the Internet directly without the formal dining environment of a restaurant table. Nowhere does Miller disclose options for notifying a customer that his or her table is ready via a paging operation sent to the user’s mobile phone, as stated previously, there is no mobile phone support disclosed in Miller at all.

The Examiner alleged that Miller discloses “sending an interactive restaurant menu to the mobile phone”, as recited in claim 1 and relied on column 4, lines 20-49 of Miller for support. Applicant disagrees and submits that Miller fails to disclose any sending operation that includes sending the user an interactive menu. Miller also fails to disclose sending anything to the customer’s mobile phone. Referring to column 4 of Miller, a mere description of the alleged “distinct advantages” of Miller are bolstered to show user appeal and convenience (e.g., trade, travel, technology demands, trends, etc.). Nowhere does Miller disclose sending anything to a customer via his or her mobile phone, and, certainly, no menu is sent to the customer’s phone.

Miller does not support the mobile phone in any way at all. The above-noted claim recitations of claim 1 and similarly claim 10 have not been addressed at all. Miller must be withdrawn from the rejection as no *prima facie* case of obviousness has been established with regard to claim 1 and 10.

The Examiner admitted that Miller does not disclose all of the features recited in claims 1 and 10 and relied on Ragsdale-Elliott to cure the admitted deficiencies of Miller. However, Applicant submits that Ragsdale-Elliott does not disclose or suggest “logging a customer unit

into a restaurant pre-dining system with a mobile phone of the customer unit; responsive to logging the customer unit into the restaurant pre-dining system, placing the customer unit on a waiting list for a table; paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit; sending an interactive restaurant menu to the mobile phone”, as recited in claim 1 and similarly claim 10.

FIG. 1 of Ragsdale-Elliott illustrates customers sitting at a table in a restaurant with a monitor display 18 that wirelessly communicates with the waitress via a transceiver 22 operated by the waitress. FIGS. 5B and 5C of Ragsdale-Elliott discloses a user logging into a service and placing an order for food. There is no disclosure of any “logging a customer unit into a restaurant pre-dining system with a mobile phone of the customer unit; responsive to logging the customer unit into the restaurant pre-dining system, placing the customer unit on a waiting list for a table; paging the mobile phone with a page that notifies the customer unit that the table is ready for the customer unit; sending an interactive restaurant menu to the mobile phone;”, as recited in claim 1 and similarly claim 10. Similar to Miller, Ragsdale-Elliott does not disclose an interactive communication system that begins with a customer’s mobile phone being used to place the customer on a waiting list for a table, communicating with the customer via his or her mobile phone and paging the customer when a table is ready. Both Miller and Ragsdale-Elliott skip the preliminary operations of communicating with the customer before the customer sits down at a restaurant table.

Accordingly, the combination of Miller and Ragsdale-Elliott fails to disclose all of the features recited in claims 1 and 10. By virtue of dependency, claims 2, 4-9, 11-15 and 17 are also allowable over Miller and Ragsdale-Elliott. Withdrawal of the rejection is kindly requested.

Claims 18-20 were rejected under 35 U.S.C. §103(a) as being obvious over Miller in view of Nielsen. This rejection is respectfully traversed.

The Examiner admitted that Miller provides little if any support for the features recited in claim 18. However, Applicant submits that Nielsen does not disclose the admitted deficiencies of Miller with respect to claim 18.

Nielsen discloses a method of authorizing a payment transaction. Column 20 of Nielsen, as relied upon by the Examiner, discloses, that “it is also possible to enter the details of several payment cards into a portable handset consecutively. For example, if a group of six people in a restaurant decides to split a bill equally and each person wishes to pay their share using their own payment card so that six instances of a Sale Manager module are created by the EFT processing engine. However, when issuing the resultant transaction signature slips back to the group for completion and signature, the handset operator would need to exercise care in marrying up the correct slip with the correct person.”

Applicant submits that Nielsen does not disclose identifying people associated with restaurant menu items and splitting at least one restaurant item between at least two people, as recited in claim 18. As disclosed in detail above, the payment cards are received from a group of six people and an equal portion of the bill is provided to each customer. Nielsen does not disclose any type of person identification, menu item identification, or, a person associated with a restaurant menu item, as recited in claim 18. Nielsen merely calculates payments for more than one person based on an original amount of money, no menu items are taken into consideration during such a monetary procedure.

Further, claim 19 states “A method of splitting a customer bill on a terminal device of claim 18 wherein identifying a person associated with a restaurant menu item is accomplished by a customer manipulating a software system graphical user interface on a terminal device”. As such, a customer selects items via the GUI and is able to swipe their own card thus alleviating the need for the portable handset operator.

Accordingly, Applicant submits that the combination of Miller and Nielsen fails to disclose all of the details of claim 18. Withdrawal of the rejection and an allowance of claim 18 and those claims dependent thereon is kindly requested.

Conclusion

As a result of the foregoing, it is respectfully asserted that claims 1-2, 4-15, and 17-20 are in a condition for allowance. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

Dated: November 9, 2010

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